

House Engrossed

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 60

## **HOUSE BILL 2370**

AN ACT

AMENDING SECTIONS 11-593, 11-594, 36-301 AND 36-325, ARIZONA REVISED  
STATUTES; RELATING TO DEATH REGISTRATION REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-593, Arizona Revised Statutes, is amended to  
3 read:

4 11-593. Reporting of certain deaths; failure to report;  
5 classification

6 A. Any person having knowledge of the death of a human being including  
7 a fetal death shall promptly notify the nearest peace officer of all  
8 information in the person's possession regarding the death and the  
9 circumstances surrounding it under any of the following circumstances:

10 1. ~~Death when not under the current care of a physician or nurse~~  
11 ~~practitioner for a potentially fatal illness or when an attending physician~~  
12 ~~or nurse practitioner is unavailable to sign the death certificate~~ HEALTH  
13 CARE PROVIDER AS DEFINED PURSUANT TO SECTION 36-301.

14 2. Death resulting from violence.

15 3. Death occurring suddenly when in apparent good health.

16 4. Death occurring in a prison.

17 5. Death of a prisoner.

18 6. Death occurring in a suspicious, unusual or unnatural manner.

19 7. Death from disease or AN accident believed to be related to the  
20 deceased's occupation or employment.

21 8. Death believed to present a public health hazard.

22 9. Death occurring during, in association with or as a result of  
23 anesthetic or surgical procedures.

24 10. DEATH INVOLVING unidentifiable bodies.

25 B. The peace officer shall promptly notify the county medical examiner  
26 or alternate medical examiner and, except in deaths occurring during, in  
27 association with or as a result of surgical or anesthetic procedures from  
28 natural diseases, shall promptly make or cause to be made an investigation of  
29 the facts and circumstances surrounding the death and report the results to  
30 the medical examiner or alternate medical examiner. If there is no county  
31 medical examiner or alternate medical examiner appointed and serving within  
32 the county, the county sheriff shall be notified by the peace officer and the  
33 sheriff shall in turn notify and secure a licensed physician having the  
34 qualifications of an alternate medical examiner to perform the death  
35 investigation or to arrange for an autopsy.

36 C. Every person who knows of the existence of a body where death  
37 occurred as specified in subsection A of this section and who knowingly fails  
38 to notify the nearest peace officer as soon as possible unless the person has  
39 good reason to believe that notice has already been given is guilty of a  
40 class 2 misdemeanor.

41 D. If the deceased was under treatment for AN accident or illness by  
42 prayer or spiritual means alone, in accordance with the tenets and practices  
43 of a well-recognized church or religious denomination, and death occurred  
44 without a physician or nurse practitioner in attendance, the person who has  
45 knowledge of the death shall report all information in the person's

1 possession regarding the death and circumstances surrounding it directly to  
2 the county medical examiner or the alternate medical examiner who may waive  
3 an external examination or autopsy if the county medical examiner or  
4 alternate medical examiner is satisfied that the death of the person resulted  
5 from natural causes.

6 E. Each county shall provide to the department of public safety  
7 fingerprints of all deceased persons for whom the circumstances of death  
8 require an external examination or autopsy and whose deaths are required to  
9 be investigated pursuant to this section. These fingerprints shall be on a  
10 form provided by the department of public safety and shall be accompanied by  
11 ~~such~~ ANY other information regarding the physical description and the date  
12 and place of death as the department of public safety ~~may require~~ REQUIRES.  
13 Fingerprints taken pursuant to this section shall be used only for the  
14 purpose of purging criminal history files. All information and data in the  
15 department of public safety that are furnished in compliance with this  
16 section are confidential and may be disclosed only on written approval of the  
17 director of the department of public safety to the juvenile court, social  
18 agencies, ~~AND~~ public health and law enforcement agencies licensed or  
19 regulated by this state.

20 Sec. 2. Section 11-594, Arizona Revised Statutes, is amended to read:

21 11-594. Powers and duties of county medical examiner

22 A. The county medical examiner or alternate medical examiner shall  
23 direct a death investigation, shall determine whether an external examination  
24 or autopsy is required and shall:

25 1. Take charge of the dead body.

26 2. Certify to the cause and manner of death following completion of  
27 the death investigation, unless the medical examiner or alternate medical  
28 examiner determines there is no jurisdiction pursuant to section 11-593,  
29 reduce the findings to writing and promptly make a full report on forms  
30 prescribed for that purpose.

31 3. Have subpoena authority for all documents, records and papers  
32 deemed useful in the death investigation.

33 4. Execute a death certificate provided by the state registrar of  
34 vital statistics indicating the cause and the manner of death for those  
35 bodies for which a death investigation has been conducted and jurisdiction is  
36 assumed.

37 5. Give approval for cremation of a dead body after a death  
38 investigation and record the approval on the death certificate.

39 6. Notify the county attorney or other law enforcement authority when  
40 death is found to be from other than natural causes.

41 7. Carry out the duties specified under section 28-668.

42 8. Carry out the duties specified under title 36, chapter 7,  
43 article 3.

44 9. Observe all policies adopted by the board of supervisors regarding  
45 conflicts of interest and disclosure of noncounty employment.

1           B. The county medical examiner or alternate medical examiner may:

2           1. Assign to a medical death investigator or other qualified personnel  
3 all aspects of a death investigation except the performance of autopsies.

4           2. Authorize forensic pathologists to perform examinations and  
5 autopsies. The medical examiner or alternate medical examiner may authorize  
6 medical students or residents and fellows in pathology training to perform  
7 autopsies under the supervision of a licensed physician who is board  
8 certified in anatomic pathology, pursuant to procedures adopted by the county  
9 medical examiner or alternate medical examiner. Authorization and the amount  
10 to be paid by the county for pathology services are subject to approval of  
11 the board of supervisors.

12           3. Delegate any power, duty or function whether ministerial or  
13 discretionary vested by this chapter in the medical examiner or alternate  
14 medical examiner to a person meeting the qualifications prescribed in this  
15 chapter who is employed by or who has contracted with the county to provide  
16 death investigation services. The medical examiner or alternate medical  
17 examiner shall be responsible for the official acts of the person designated  
18 pursuant to this section and shall act under the name and authority of the  
19 medical examiner or alternate medical examiner.

20           4. Authorize the taking of organs and tissues as they prove to be  
21 usable for transplants, other treatment, therapy, education or research if  
22 all of the requirements of title 36, chapter 7, article 3 are met. The  
23 medical examiner or alternate medical examiner shall give this authorization  
24 within a time period that permits a medically viable donation.

25           5. Authorize licensed physicians, surgeons or trained technicians to  
26 remove parts of bodies provided they follow an established protocol approved  
27 by the medical examiner or alternate medical examiner.

28           6. Limit the removal of organs or tissues for transplants or other  
29 therapy or treatment if, based on a review of available medical and  
30 investigative information within a time that permits a medically viable  
31 donation, the medical examiner or alternate medical examiner makes an initial  
32 determination that their removal would interfere with a medical examination,  
33 autopsy or certification of death. Before making a final decision to limit  
34 the removal of organs, the medical examiner or alternate medical examiner  
35 shall consult with the organ procurement organization. After the  
36 consultation and when the organ procurement organization provides information  
37 that the organ procurement organization reasonably believes could alter the  
38 initial decision and at the request of the organ procurement organization,  
39 the medical examiner or alternate medical examiner shall conduct a physical  
40 examination of the body. If the medical examiner or alternate medical  
41 examiner limits the removal of organs, the medical examiner or alternate  
42 medical examiner shall maintain documentation of this decision and shall make  
43 the documentation available to the organ procurement organization.

1 C. A county medical examiner or alternate medical examiner shall not  
2 be held civilly or criminally liable for any acts performed in good faith  
3 pursuant to subsection B, paragraphs 4, 5 and 6 of this section.

4 D. If a dispute arises over the findings of the medical examiner's  
5 report, the medical examiner, upon an order of the superior court, shall  
6 make available all evidence and documentation to a court-designated licensed  
7 forensic pathologist for review, and the results of the review shall be  
8 reported to the superior court in the county issuing the order.

9 E. For providing external examinations and autopsies pursuant to this  
10 section, the medical examiner may charge a fee established by the board of  
11 supervisors pursuant to section 11-251.08.

12 F. THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER IS  
13 ENTITLED TO ALL MEDICAL RECORDS AND RELATED RECORDS OF A PERSON FOR WHOM THE  
14 MEDICAL EXAMINER IS REQUIRED TO CERTIFY CAUSE OF DEATH.

15 Sec. 3. Section 36-301, Arizona Revised Statutes, is amended to read:

16 36-301. Definitions

17 In this chapter, unless the context otherwise requires:

18 1. "Administrative order" means a written decision issued by an  
19 administrative law judge or quasi-judicial entity.

20 2. "Amend" means to make a change, other than a correction, to a  
21 registered certificate by adding, deleting or substituting information on  
22 that certificate.

23 3. "Birth" or "live birth" means the complete expulsion or extraction  
24 of a product of human conception from its mother, irrespective of the  
25 duration of the pregnancy, that shows evidence of life, with or without a cut  
26 umbilical cord or an attached placenta, such as breathing, heartbeat,  
27 umbilical cord pulsation or definite voluntary muscle movement after  
28 expulsion or extraction of the product of human conception.

29 4. "Certificate" means a record that documents a birth or death.

30 5. "Certified copy" means a written reproduction of a registered  
31 certificate that a local registrar, a deputy local registrar or the state  
32 registrar has authenticated as a true and exact written reproduction of a  
33 registered certificate.

34 6. "Correction" means a change made to a registered certificate  
35 because of a typographical error, including misspelling and missing or  
36 transposed letters or numbers.

37 7. "Court order" means a written decision issued by:

38 (a) The superior court, an appellate court or the supreme court or an  
39 equivalent court in another state.

40 (b) A commissioner or judicial hearing officer of the superior court.

41 (c) A judge of a tribal court in this state.

42 8. "CURRENT CARE" MEANS THAT A HEALTH CARE PROVIDER HAS EXAMINED,  
43 TREATED OR PROVIDED CARE FOR A PERSON FOR A CHRONIC OR ACUTE CONDITION WITHIN  
44 EIGHTEEN MONTHS PRECEDING THAT PERSON'S DEATH. CURRENT CARE DOES NOT INCLUDE  
45 SERVICES PROVIDED IN CONNECTION WITH A SINGLE EVENT OF EMERGENCY OR URGENT

1 CARE. FOR THE PURPOSES OF THIS PARAGRAPH, "TREATED" INCLUDES PRESCRIBING  
2 MEDICATION.

3 ~~8-~~ 9. "Custody" means legal authority to act on behalf of a child.

4 ~~9-~~ 10. "Department" means the department of health services.

5 ~~10-~~ 11. "Electronic" means technology that has electrical, digital,  
6 magnetic, wireless, optical or electromagnetic capabilities or technology  
7 with similar capabilities.

8 ~~11-~~ 12. "Evidentiary document" means written information used to prove  
9 the fact for which it is presented.

10 ~~12-~~ 13. "Family member" means:

11 (a) A person's spouse, natural or adopted offspring, father, mother,  
12 grandparent, grandchild to any degree, brother, sister, aunt, uncle or first  
13 or second cousin.

14 (b) The natural or adopted offspring, father, mother, grandparent,  
15 grandchild to any degree, brother, sister, aunt, uncle or first or second  
16 cousin of the person's spouse.

17 ~~13-~~ 14. "Fetal death" means the cessation of life before the complete  
18 expulsion or extraction of a product of human conception from its mother and  
19 that is evidenced by the absence of breathing, heartbeat, umbilical cord  
20 pulsation or definite voluntary muscle movement after expulsion or  
21 extraction.

22 ~~14-~~ 15. "Final disposition" means the interment, cremation, removal  
23 from this state or other disposition of human remains.

24 ~~15-~~ 16. "Foundling" means:

25 (a) A newborn infant left with a safe haven provider pursuant to  
26 section 13-3623.01.

27 (b) A child whose father and mother cannot be determined.

28 ~~16-~~ 17. "Funeral establishment" has the same meaning prescribed in  
29 section 32-1301.

30 ~~17-~~ 18. "Health care institution" has the same meaning prescribed in  
31 section 36-401.

32 19. "HEALTH CARE PROVIDER" MEANS:

33 (a) A PHYSICIAN LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

34 (b) A DOCTOR OF NATUROPATHIC MEDICINE LICENSED PURSUANT TO TITLE 32,  
35 CHAPTER 14.

36 (c) A MIDWIFE LICENSED PURSUANT TO CHAPTER 6, ARTICLE 7 OF THIS TITLE.

37 (d) A NURSE MIDWIFE CERTIFIED PURSUANT TO TITLE 32, CHAPTER 15.

38 (e) A NURSE PRACTITIONER LICENSED AND CERTIFIED PURSUANT TO TITLE 32,  
39 CHAPTER 15.

40 (f) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

41 (g) A HEALTH CARE PROVIDER WHO IS LICENSED OR CERTIFIED BY ANOTHER  
42 STATE OR JURISDICTION OF THE UNITED STATES AND WHO WORKS IN A FEDERAL HEALTH  
43 CARE FACILITY.

44 ~~18-~~ 20. "Human remains" means a lifeless human body or parts of a  
45 human body that permit a reasonable inference that death occurred.

1       ~~19.~~ 21. "Issue" means:

2           (a) To provide a copy of a registered certificate.

3           (b) An action taken by a court of competent jurisdiction,  
4 administrative law judge or quasi-judicial entity.

5       ~~20.~~ 22. "Legal age" means a person who is at least eighteen years of  
6 age or who is emancipated by a court order.

7       23. "MEDICAL CERTIFICATION OF DEATH" MEANS THE OPINION OF THE HEALTH  
8 CARE PROVIDER WHO SIGNS THE CERTIFICATE OF PROBABLE OR PRESUMED CAUSE OF  
9 DEATH THAT COMPLIES WITH RULES ADOPTED BY THE STATE REGISTRAR OF VITAL  
10 RECORDS AND THAT IS BASED ON ANY OF THE FOLLOWING THAT ARE REASONABLY  
11 AVAILABLE:

12           (a) PERSONAL EXAMINATION.

13           (b) MEDICAL HISTORY.

14           (c) MEDICAL RECORDS.

15           (d) OTHER REASONABLE FORMS OF EVIDENCE.

16       ~~21.~~ 24. "Medical examiner" means a medical examiner or alternate  
17 medical examiner as defined in section 11-591.

18       ~~22. "Midwife" means a person who is either:~~

19           ~~(a) Licensed pursuant to chapter 6, article 7 of this title.~~

20           ~~(b) Certified as a nurse midwife pursuant to title 32, chapter 15.~~

21       ~~23.~~ 25. "Name" means a designation that identifies a person, including  
22 a first name, middle name, last name or suffix.

23       ~~24. "Nurse practitioner" means a person licensed and certified as a~~  
24 ~~nurse practitioner pursuant to title 32, chapter 15.~~

25       ~~25. "Physician" means a person licensed pursuant to title 32, chapter~~  
26 ~~13 or 17.~~

27       26. "NATURAL CAUSES" MEANS THOSE CAUSES THAT ARE DUE SOLELY OR NEARLY  
28 ENTIRELY TO DISEASE OR THE AGING PROCESS.

29       ~~26.~~ 27. "Presumptive death" means a determination by a court that a  
30 death has occurred or is presumed to have occurred but the human remains have  
31 not been located or recovered.

32       ~~27.~~ 28. "Register" means to assign an official state number and to  
33 incorporate into the state registrar's official records.

34       ~~28.~~ 29. "Responsible person" means a person listed in section 36-831.

35       ~~29.~~ 30. "Seal" means to bar from access.

36       ~~30.~~ 31. "Submit" means to present, physically or electronically, a  
37 certificate, evidentiary document or form provided for in this chapter to a  
38 local registrar, a deputy local registrar or the state registrar.

39       ~~31.~~ 32. "System of public health statistics" means the processes and  
40 procedures for:

41           (a) Tabulating, analyzing and publishing public health information  
42 derived from vital records data and other sources authorized pursuant to  
43 section 36-125.05 or section 36-132, subsection A, paragraph 3.

44           (b) Performing other activities related to public health information.

1       ~~32-~~ 33. "System of vital records" means the statewide processes and  
2 procedures for:

3       (a) Electronically or physically collecting, creating, registering,  
4 maintaining, copying and preserving vital records.

5       (b) Preparing and issuing certified and noncertified copies of vital  
6 records.

7       (c) Performing other activities related to vital records.

8       ~~33-~~ 34. "Vital record" means a registered birth certificate or a  
9 registered death certificate.

10       Sec. 4. Section 36-325, Arizona Revised Statutes, is amended to read:

11       36-325. Death certificate registration; moving human remains;  
12 immunity

13       A. Within seven calendar days after receiving possession of human  
14 remains, a funeral establishment or responsible person who takes possession  
15 of the human remains shall:

16       1. Obtain and complete the information, including the social security  
17 number of the decedent, on the death certificate required pursuant to this  
18 chapter and rules adopted pursuant to this chapter.

19       2. Provide on the death certificate the name and address of the person  
20 completing the death certificate.

21       3. Submit the death certificate for registration to a local registrar,  
22 a deputy local registrar or the state registrar. The funeral establishment  
23 or responsible person may submit the death certificate by electronic means in  
24 the format prescribed by the state registrar.

25       B. Within seventy-two hours after receiving a death certificate  
26 pursuant to this section, a local registrar, a deputy local registrar or the  
27 state registrar shall register a death certificate if it is accurate and  
28 complete and submitted pursuant to this chapter and rules adopted pursuant to  
29 this chapter.

30       C. Except as provided in subsection F of this section, if a person  
31 dies under any of the circumstances described in section 11-593, subsection  
32 A, the medical examiner shall complete and sign the medical certification of  
33 death on a death certificate within seventy-two hours after the examination,  
34 excluding weekends and holidays. If the medical examiner cannot determine  
35 the cause of death within that time, the medical examiner shall enter  
36 "pending" for the cause of death and sign the medical certification of death  
37 within seventy-two hours after the examination, excluding weekends and  
38 holidays.

39       D. A local registrar, a deputy local registrar or the state registrar  
40 shall register a death certificate if there is a medical certification of  
41 death signed by the medical examiner with a pending cause of death.

42       E. Final disposition of human remains with a pending cause of death  
43 shall not occur until the medical examiner releases the human remains for  
44 final disposition.



1 F. When the medical examiner determines the cause of death, the  
2 medical examiner shall submit the information to the local registrar, deputy  
3 local registrar or state registrar.

4 G. If a person under the current care of a ~~physician or nurse~~  
5 ~~practitioner~~ HEALTH CARE PROVIDER for a ~~potentially fatal illness~~ AN ACUTE OR  
6 CHRONIC MEDICAL CONDITION dies of that illness, ~~the physician or nurse~~  
7 ~~practitioner, if available,~~ CONDITION, OR COMPLICATIONS ASSOCIATED WITH THAT  
8 CONDITION, THE HEALTH CARE PROVIDER OR A HEALTH CARE PROVIDER DESIGNATED BY  
9 THAT PROVIDER shall complete and sign the medical certification of death on a  
10 death certificate within seventy-two hours. If ~~the physician or nurse~~  
11 ~~practitioner is not available~~ CURRENT CARE HAS NOT BEEN PROVIDED, the medical  
12 examiner shall complete and sign the medical certification of death on a  
13 death certificate within seventy-two hours after the examination, excluding  
14 weekends and holidays.

15 ~~H. If a person dies in a hospital, nursing care institution or hospice~~  
16 ~~inpatient facility, the following person shall complete and sign the medical~~  
17 ~~certification of death within seventy-two hours of the death:~~

18 ~~1. If the person is under the care of a nurse practitioner, the nurse~~  
19 ~~practitioner or attending physician, if available.~~

20 ~~2. If the person is not under the care of a nurse practitioner, the~~  
21 ~~attending physician, if available.~~

22 ~~3. If the nurse practitioner or attending physician is not available,~~  
23 ~~the medical examiner.~~

24 H. IF A PERSON DIES IN A HOSPITAL, NURSING CARE INSTITUTION OR HOSPICE  
25 INPATIENT FACILITY OF NATURAL CAUSES, THE HOSPITAL, NURSING CARE INSTITUTION  
26 OR FACILITY SHALL DESIGNATE A HEALTH CARE PROVIDER TO COMPLETE AND SIGN THE  
27 MEDICAL CERTIFICATION OF DEATH WITHIN SEVENTY-TWO HOURS.

28 I. If a person dies on an Indian reservation in this state and a  
29 county medical examiner is not available, the tribal law enforcement  
30 authority, acting in an official investigative capacity, may complete and  
31 sign the medical certification of death.

32 J. If the place of death is unknown, the death is considered to have  
33 occurred in the place where the human remains were found.

34 K. If a person dies in a moving conveyance, the death is considered to  
35 have occurred in the place where the human remains were initially removed  
36 from the conveyance. In all other cases, the place where death is pronounced  
37 is considered the place where the death occurred.

38 L. The state registrar shall create and register a death certificate  
39 when the state registrar receives a court order of a presumptive death. The  
40 court order shall contain the following information, if known: ~

41 1. The decedent's name, social security number, date of birth, date of  
42 death, cause of death and location of death.

43 2. Any other information necessary to complete a death certificate for  
44 a presumptive death.

1 M. If a murder victim's body is not recovered, a conviction for the  
2 murder is proof of death. The court shall forward a record of the conviction  
3 to the state registrar. The state registrar shall obtain the personal data  
4 regarding the murder victim from information provided by the court, a family  
5 member of the murder victim or another reliable source and create and  
6 register the death certificate.

7 ~~N. For the purposes of this section:~~

8 ~~1. "Medical certification" means confirmation of a cause of death.~~

9 ~~2. "Physician" means a person who is licensed pursuant to title 32,~~  
10 ~~chapter 13, 14 or 17.~~

11 N. A HEALTH CARE PROVIDER WHO COMPLETES AND SIGNS A MEDICAL  
12 CERTIFICATION OF DEATH IN GOOD FAITH PURSUANT TO THIS SECTION IS NOT SUBJECT  
13 TO CIVIL LIABILITY OR PROFESSIONAL DISCIPLINARY ACTION.

APPROVED BY THE GOVERNOR MARCH 20, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2012.

Passed the House January 26, 20 12

by the following vote: 54 Ayes,

1 Nays, 4 Not Voting  
1 vacant

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate March 15, 20 12

by the following vote: 24 Ayes,

6 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

19<sup>th</sup> day of March, 20 12

at 2:37 o'clock 0 M.

[Signature]  
Secretary to the Governor

Approved this 20<sup>th</sup> day of

March.

at 7:11 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 22<sup>nd</sup> day of March, 20 12

at 8:14 o'clock a M.

[Signature]  
Secretary of State

H.B. 2370